

OCT 09 2020

David R. Olan (SBN 144634)  
Philippe M. Gaudard (SBN 331744)  
**OLAN LAW CORPORATION**  
212 Marine St., Suite 302  
Santa Monica, California 90405  
Telephone: (310) 566-0010  
Facsimile: (310) 566-0017  
david@olanlaw.com

Attorney for Plaintiff,  
ANYSSA MENDOZA,  
OBIE QUALIS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF VENTURA**

ANYSSA MENDOZA, an individual; and OBIE  
QUALIS, an individual;

Plaintiffs,

vs.

RYTECH, INC., a Corporation; DOE 1, an  
individual; and DOES 2 through 25, Inclusive;

Defendant(s).

Case No.:

**COMPLAINT FOR DAMAGES:**

1. Negligence/Negligence Per Se
2. Vicarious Liability
3. Negligent Retention

[Unlimited Civil Action]

**DEMAND FOR JURY TRIAL**

COMES NOW PLAINTIFFS ANYSSA MENDOZA and OBIE QUALIS, by and through  
their attorneys of record, and for causes of action against DEFENDANTS RYTECH, INC.,  
DOE 1, and DOES 2 THROUGH 25 inclusive, hereby complains and allege as follows:

1. PLAINTIFF ANYSSA MENDOZA (hereinafter "PLAINTIFF MENDOZA") is, and at all  
relevant times was, an individual residing in the County of Ventura, State of California.
2. PLAINTIFF OBIE QUALIS (hereinafter "PLAINTIFF QUALIS") is, and at all relevant  
times was, an individual residing in the County of Ventura, State of California.
3. DEFENDANT RYTECH INC. (hereinafter "DEFENDANT RYTECH") is, and at all  
relevant times was, a business entity headquartered and/or incorporated in the County of  
Ventura, State of California.

1 4. DEFENDANT DOE 1 (hereinafter "DOE 1") is, and at all relevant times was, an individual  
2 traveling through the County of Ventura, State of California operating a large Mercedes  
3 truck.

4 5. PLAINTIFFS are currently ignorant as to the true names and capacities of DEFENDANTS  
5 sued herein as DOES 1 through 25, inclusive, and therefore sues said DEFENDANTS by  
6 such fictitious names. PLAINTIFFS are informed and believe, and therefore alleges that each  
7 DEFENDANT sued herein under such fictitious name is in some way legally responsible  
8 and/or liable for PLAINTIFFS' injuries and damages. PLAINTIFFS will seek leave to  
9 amend this Complaint upon the discovery of the true names and capacities of such  
10 DEFENDANTS.

11 6. PLAINTIFFS are informed and believe, and thereon alleges, that at all times discussed  
12 herein, DEFENDANTS, and each of them, were the employees, agents, representatives,  
13 parents, subsidiaries, joint venturers, and/or partners of each and every other DEFENDANT,  
14 and at all times alleged herein, DEFENDANTS were acting within the purpose and scope of  
15 said agency, employment, representation, partnership, and/or joint venture, and for the  
16 mutual benefit and/or profit of each and every other DEFENDANT.

17 7. Jurisdiction for this action is proper as the circumstances and events that give rise to this  
18 action occurred in Ventura County, State of California. PLAINTIFFS are informed and  
19 believe, and thereon alleges, that the damages sought herein exceed \$25,000.00.

20 **GENERAL FACTUAL ALLEGATIONS**

21 8. On May 10, 2019, PLAINTIFF MENDOZA was a lawfully seat-belted driver in a Jeep  
22 Compass on Johnson Drive at the intersection of Bristol Road in the County of Ventura.

23 9. At same time and location, PLAINTIFF QUALIS was a lawfully seat-belted fault-free  
24 passenger of same Jeep Compass.

25 10. At that same time and location, DOE 1 was in unlawful operation of a large Mercedes truck  
26 on Johnson Drive at the intersection of Bristol Road, in the County of Ventura.

27 11. At time and place, DOE 1 was driving the vehicle under the employ of DEFENDANT  
28 RYTECH in the normal course of business acting within the purpose and scope of said

1 employment relationship, agency, representation, partnership, and/or joint venture, and for  
2 the mutual benefit and/or profit of each and every other DEFENDANT.

3 12. At time and place, DOE 1 was acting within the scope and purpose of said employment  
4 relationship, agency, representation, partnership, and/or joint venture, and for the mutual  
5 benefit and/or profit of each and every other DEFENDANT at the time of INCIDENT as  
6 indicated by his employment records.

7 13. At same time and location, DOE 1 rear-ended PLAINTIFFS as a result of violations of  
8 multiple sections of California Vehicle Code, including but not limited to, California Vehicle  
9 Code sections 22350 and 21703.

10 14. Upon forceful impact, PLAINTIFFS' vehicle was struck with such force due to DOE 1'S  
11 inattention and a speed which was too fast for traffic conditions

12 15. Upon forceful impact, PLAINTIFF'S vehicle was struck with such force that it impacted the  
13 vehicle directly in front of PLAINTIFFS'.

14 16. Upon forceful impact, PLAINTIFF MENDOZA sustained serious and permanent injuries  
15 including but not limited to, head injuries, her abdomen striking the steering wheel,  
16 abdominal pain, premature contractions, pain to her upper back, pain to her head, pain to her  
17 neck, cervical injuries, spinal injury, sprain of ligaments of cervical spine, migraines,  
18 thoracic injury, sprain of ligaments of thoracic spine, and feeling "shocked and dazed."

19 17. Upon forceful impact, PLAINTIFF QUALIS sustained severe and permanent injuries  
20 including but not limited to head injuries, facial injuries including a lacerated lip, and feeling  
21 "shocked and dazed."

22 18. At same time and location, emergency personnel were dispatched to the scene of the  
23 INCIDENT. Emergency responders included, but limited to, American Medical Response  
24 Ambulance services.

25 19. At same time and location, PLAINTIFF MENDOZA was transported via ambulance of  
26 American Medical Response to Community Memorial Hospital for emergency evaluation  
27 and care.  
28

1 20. As a direct and proximate result of DOE 1'S unlawful driving, PLAINTIFFS have sustained,  
2 but not limited to, severe personal injury, severe emotional distress, medical expenses, and  
3 loss of earning capacity, the exact amount of said losses which will be stated according to  
4 proof pursuant to California Code of Civil Procedure Section 425.10.

5 **FIRST CAUSE OF ACTION**

6 **(Negligence/Negligence Per Se)**

7 **AGAINST DEFENDANT RYTECH, DOE 1, AND DOES 2 THROUGH 25**

8 21. PLAINTIFFS re-allege and incorporate herein by reference each and every allegation in  
9 Paragraphs 1 through 20 above.

10 22. On May 10, 2019, PLAINTIFF MENDOZA was a lawfully seat-belted driver in a Jeep  
11 Compass on Johnson Drive at the intersection of Bristol Road in the County of Ventura.

12 23. At same time and location, PLAINTIFF QUALIS was a lawfully seat-belted fault-free  
13 passenger of same Jeep Compass.

14 24. At that same time and location, DOE 1 was in unlawful operation of a large Mercedes truck  
15 on Johnson Drive at the intersection of Bristol Road, in the County of Ventura.

16 25. At same time and location, DOE 1 rear-ended PLAINTIFFS as a result of violations of  
17 multiple sections of California Vehicle Code, including but not limited to, California Vehicle  
18 Code sections 22350 and 21703.

19 26. Upon forceful impact, PLAINTIFFS' vehicle was struck with such force due to DOE 1'S  
20 inattention and a speed which was too fast for traffic conditions

21 27. Upon forceful impact, PLAINTIFF'S vehicle was struck with such force that it impacted the  
22 vehicle directly in front of PLAINTIFFS'.

23 28. Upon forceful impact, PLAINTIFF MENDOZA sustained serious and permanent injuries  
24 including but not limited to, head injuries, her abdomen striking the steering wheel,  
25 abdominal pain, premature contractions, pain to her upper back, pain to her head, pain to her  
26 neck, cervical injuries, spinal injury, sprain of ligaments of cervical spine, migraines,  
27 thoracic injury, sprain of ligaments of thoracis spine, and feeling "shocked and dazed."

28 29. Upon forceful impact, PLAINTIFF QUALIS sustained severe and permanent injuries

1 including but not limited to head injuries, facial injuries including a lacerated lip, and feeling  
2 "shocked and dazed."

3 30. At same time and location, emergency personnel were dispatched to the scene of the  
4 INCIDENT. Emergency responders included, but limited to, American Medical Response  
5 Ambulance services.

6 31. At same time and location, PLAINTIFF MENDOZA was transported via ambulance of  
7 American Medical Response to Community Memorial Hospital for emergency evaluation  
8 and care.

9 32. As a direct and proximate result of DOE 1'S unlawful driving, PLAINTIFFS have sustained,  
10 but not limited to, severe personal injury, severe emotional distress, medical expenses, and  
11 loss of earning capacity, the exact amount of said losses which will be stated according to  
12 proof pursuant to California Code of Civil Procedure Section 425.10.

13 33. DOE 1 owed a duty of care to PLAINTIFFS and others to safely, reasonably, and prudently  
14 drive, operate, control, and/or maintain their vehicles in such a manner so as to avoid  
15 subjecting PLAINTIFFS and others to unreasonable risks of injury, harm, or damage.

16 34. As a direct and proximate result of DOE 1'S unlawful driving, PLAINTIFFS have sustained,  
17 but not limited to, severe personal injury, severe emotional distress, medical expenses, and  
18 loss of earning capacity, the exact amount of said losses which will be stated according to  
19 proof pursuant to California Code of Civil Procedure Section 425.10.

20 35. PLAINTIFFS are informed and believe, and thereon alleges, that, at all times relevant herein,  
21 DEFENDANTS, and each of them, owed duties of care to PLAINTIFFS and others to safely,  
22 reasonably, and prudently drive, operate, control, and/or maintain their vehicles in such a  
23 manner so as to avoid subjecting PLAINTIFFS and others to unreasonable risks of injury,  
24 harm, or damage.

25 36. PLAINTIFFS are informed and believe, and thereon alleges, that DEFENDANTS, and each  
26 of them, breached this duty of care by failing to operate, drive, and/or maintain their vehicles  
27 so as to cause a collision between DEFENDANT vehicle and PLAINTIFFS' vehicle, thereby  
28 causing injury and damage to PLAINTIFFS.

1 37. PLAINTIFFS are informed and believe, and thereon alleges, that, at all times relevant herein,  
2 there were in effect various statutes, codes, ordinances, and/or regulations governing the use,  
3 operation, and/or maintenance of the Mercedes truck. PLAINTIFFS are informed and  
4 believe, and thereon alleges, that said statutes, codes, ordinances, and/or regulations were  
5 designed for the protection of PLAINTIFFS and others and to avoid the type of injury and  
6 damages suffered by PLAINTIFFS herein. PLAINTIFFS are informed and believe, and  
7 thereon alleges, that DEFENDANTS owed duties to PLAINTIFFS and others to operate, use,  
8 drive, and/or maintain their vehicles in accordance with said statutes, codes, ordinances,  
9 and/or regulations.

10 38. PLAINTIFFS are informed and believe, and thereon alleges, that DEFENDANTS, and each  
11 of them, breached this duty of care by failing to use, drive, operate, and/or maintain their  
12 vehicles in accordance with said statutes, codes, ordinances, and/or regulations. Among  
13 other things, DEFENDANT operated said vehicle in violation of multiple sections of the  
14 California Vehicle Code, including but not limited to, California Vehicle Code Sections  
15 22350 and 21703.

16 39. As a direct and proximate result of DEFENDANT'S aforementioned breaches, PLAINTIFFS  
17 sustained personal injuries and damages including, but not limited to, personal physical  
18 injuries, past and future medical expenses, property damage, physical pain, mental suffering,  
19 emotional distress, anxiety, adverse emotional reaction, loss of earnings, loss of earning  
20 capacity, humiliation, and loss of enjoyment of life, all to PLAINTIFFS' special and general  
21 damages in an amount to be proven at time of trial.

## 22 SECOND CAUSE OF ACTION

23 (Vicarious Liability)

24 **AGAINST DEFENDANT RYTECH, DOE 1, AND DOES 2 THROUGH 25**

25 40. PLAINTIFFS re-allege and incorporate herein by reference each and every allegation in  
26 Paragraphs 1 through 39 above.

27 41. On May 10, 2019, PLAINTIFF MENDOZA was a lawfully seat-belted driver in a Jeep  
28 Compass on Johnson Drive at the intersection of Bristol Road in the County of Ventura.

1 42. At same time and place, DOE 1 was driving the vehicle under the employ of DEFENDANT  
2 RYTECH in the normal course of business acting within the purpose and scope of said  
3 employment relationship, agency, representation, partnership, and/or joint venture, and for  
4 the mutual benefit and/or profit of each and every other DEFENDANT.

5 43. At same time and place, DOE 1 was acting within the scope and purpose of said employment  
6 relationship, agency, representation, partnership, and/or joint venture, and for the mutual  
7 benefit and/or profit of each and every other DEFENDANT at the time of INCIDENT as  
8 indicated by his employment records.

9 44. PLAINTIFFS are informed and believe, and thereon alleges, that DEFENDANT is  
10 vicariously liable for PLAINTIFFS' injuries, damages, and harms, by virtue of the  
11 negligence of its employee, DOE 1, who was acting within the scope and purpose of the  
12 aforementioned employment relationship.

13 45. As a direct and proximate result of DEFENDANTS' aforementioned breaches, PLAINTIFFS  
14 sustained personal injuries and damages including, but not limited to, personal physical  
15 injuries, past and future medical expenses, property damage, physical pain, mental suffering,  
16 emotional distress, anxiety, adverse emotional reaction, loss of earnings, loss of earning  
17 capacity, humiliation, and loss of enjoyment of life, all to PLAINTIFFS' special and general  
18 damages in an amount to be proven at time of trial.

### 19 **THIRD CAUSE OF ACTION**

#### 20 **(Negligent Retention)**

#### 21 **AGAINST DEFENDANT RYTECH, DOE 1, AND DOES 2 THROUGH 25**

22 46. PLAINTIFFS re-allege and incorporate herein by reference each and every allegation in  
23 Paragraphs 1 through 45 above.

24 47. PLAINTIFFS hereby alleges that DEFENDANT RYTECH had knowledge and/or should  
25 have had knowledge that DOE 1 was unlawfully operating vehicle due violations of multiple  
26 sections of the California Vehicle Code, including but not limited to, California Vehicle  
27 Code Sections 22350 and 21703 and yet continued to retain DOE 1 as an employee for  
28 aforementioned business purposes.

1 48. PLAINTIFFS are informed and believe, and thereon alleges, that DEFENDANT RYTECH  
2 owed a duty of care to PLAINTIFFS and breached their duty of care, by retaining DOE 1,  
3 which is a direct and proximate cause of severe permanent injury and damage to  
4 PLAINTIFFS.

5 49. As a direct and proximate result of DEFENDANTS' aforementioned breaches, PLAINTIFFS  
6 sustained personal injuries and damages including, but not limited to, personal physical  
7 injuries, past and future medical expenses, property damage, physical pain, mental suffering,  
8 emotional distress, anxiety, adverse emotional reaction, loss of earnings, loss of earning  
9 capacity, humiliation, and loss of enjoyment of life, all to PLAINTIFFS' special and general  
10 damages in an amount to be proven at time of trial.

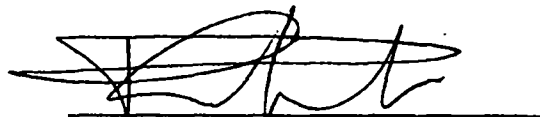
11  
12 **PRAYER FOR RELIEF**

13 **WHEREFORE PLAINTIFF PRAYS FOR JUDGMENT AS FOLLOWS:**

- 14 1. For special and/or economic damages in an amount according to proof;  
15 2. For general and/or non-economic damages in an amount according to proof;  
16 3. For legal interest on the judgment;  
17 4. For costs of suit as permitted by law; and  
18 5. For all other relief that this court deems just and proper.

19  
20  
21 Dated: September 4, 2020

OLAN LAW CORPORATION

22  
23 

24 DAVID R. OLAN  
25 PHILIPPE M. GAUDARD  
26 Attorneys for  
27 ANYSSA MENDOZA  
28 OBIE QUALIS

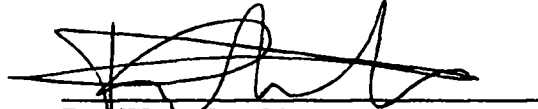


1                                    **DEMAND FOR JURY TRIAL**

2                    ANYSSA MENDOZA and OBIE QUALIS hereby demand a trial by jury as to all issues  
3 and causes of action so triable.

4  
5 Dated: October 8, 2020

OLAN LAW CORPORATION

6  
7 

8 DAVID R. OLAN  
9 PHILIPPE M. GAUDARD  
10 Attorneys for  
11 ANYSSA MENDOZA  
12 OBIE QUALIS  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28